

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

VAN MILTON,

Plaintiff,

vs.

JOSEPH LOMBARDO, *et al.*,

Defendants.

Case No. 2:17-cv-01842-RFB-GWF

ORDER

This matter is before the Court on Plaintiff's failure to file an Amended Complaint as ordered by the Court. *See Order* (ECF No. 4).

Plaintiff is proceeding in this action *pro se* and submitted a complaint on July 3, 2017. *See* ECF No. 1. The Court issued a Screening Order (ECF No. 4) granting Plaintiff permission to proceed *in forma pauperis* and screening the complaint pursuant to 28 U.S.C. § 1915(e). The undersigned found that Plaintiff's bare bones complaint was not sufficient and required a more detailed explanation of the facts and circumstances that gave rise to Plaintiff's claims for First, Fourth and Fourteenth Amendment rights violations. The Court allowed Plaintiff until January 8, 2018 to file an amended complaint. The Screening Order warned Plaintiff that failure to file an amended complaint would result in a recommendation to the district judge that this case be dismissed with prejudice.

The Court's Screening Order was returned as undeliverable and the Court does not have another address for Plaintiff. *See* ECF No. 6. Local Rule of Practice LSR 2-2 provides that a "plaintiff must immediately file with the court written notification of any change of address. . . . Failure to comply with this rule may result in dismissal of the action with prejudice." Plaintiff has

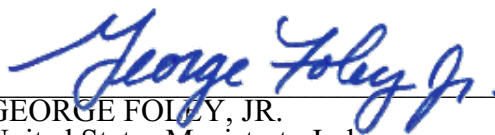
1 not provided the Court with an updated address or taken any other action to prosecute this case.

2 Accordingly,

3 **IT IS HEREBY RECOMMENDED** that Plaintiff's complaint be **dismissed** with
4 prejudice for failure to comply with LSR 2-2 and failure to prosecute this case.

5 **IT IS FURTHER RECOMMENDED** that the Clerk of the Court be instructed to close
6 this case and enter judgment accordingly.

7 DATED this 22nd day of January, 2018.

8
9 
10 GEORGE FOLEY, JR.
United States Magistrate Judge

11 **NOTICE**

12 Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be
13 in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has
14 held that the courts of appeal may determine that an appeal has been waived due to the failure to
15 file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit
16 has also held that (1) failure to file objections within the specified time and (2) failure to properly
17 address and brief the objectionable issues waives the right to appeal the District Court's order
18 and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153,
19 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).